

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 10-14, 16, and 17 are pending. In the present amendment, Claims 10-14, 16, and 17 are currently amended; and Claims 15 and 18 are canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 3, line 27 to page 4, line 7, at page 5, lines 25-31, and in original Claim 18. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, the drawings were objected to; the specification was objected to; Claims 12-16 and 18 were rejected under 35 U.S.C. § 112, second paragraph; Claims 10 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by Galaniuk (U.S. Patent No. 3,659,515); Claims 10, 12, and 15-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Price (U.S. Patent No. 1,502,745) in view of Brown (U.S. Patent No. 6,083,099); Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Price in view of Brown and further in view of Seacord (U.S. Patent No. 1,799,327); and Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Price in view of Brown and further in view of Sallou (U.S. Patent No. 2,814,978).

First, Applicant wishes to thank Examiner O'Reilly and Supervisory Patent Examiner McAllister for the courtesy of an interview granted to Applicant's representatives on August 4, 2009, at which time the outstanding issues in this case were discussed. Arguments and amendments similar to the ones developed hereinafter were presented and Examiner O'Reilly indicated that in light of the arguments, he would reconsider the outstanding grounds for rejection upon formal submission of a response.

In response to the objection to the drawings, the "tubular body mounted in a fixed position" recited in Claim 11 is shown in Figure 2. Figure 2 shows an exemplary

embodiment of the tubular body 5 mounted in a fixed position and which oscillates about a longitudinal axis 8 to distribute air through the bottom ventilation outlets 4. See also the original specification, at page 4, lines 9-13 describing the figures showing the tubular body 5 mounted in a fixed position. Further, Claim 15 is canceled without prejudice or disclaimer. It is respectfully submitted that no new matter is added. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

In response to the objection to the specification, the specification is amended to correct the informalities noted in the Office Action. It is respectfully submitted that no new matter is added. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claim 12 is amended to cure the issue noted in the Office Action. In view of amended Claim 12, it is believed that all pending claims are definite and no further rejections on that basis are anticipated. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

Amended Claim 10 recites, in part, “a plurality of bottom ventilation outlets mounted on an external side surface of the tubular body and protruding outwardly therefrom” and “the tubular body is arranged horizontally above a set of pedals of the vehicle, and is arranged immediately behind a knee protection panel of the passenger compartment.” It is respectfully submitted that the cited references do not disclose or suggest each of the features recited in amended Claim 10.

Galaniuk describes an apparatus 10 that delivers moving air from a supply system to one of three positions: a windshield of a motor vehicle, a central portion of the interior of the vehicle, or towards the floor of the vehicle.¹ A position of the operating lever 44 determines which of the three positions the air is directed towards. Galaniuk is silent regarding the placement of the apparatus 10 within the vehicle. However, it is respectfully submitted that the apparatus 10 cannot be located “horizontally above a set of pedals of the vehicle,” and “arranged immediately behind a knee protection panel of the passenger compartment,” as recited in amended Claim 10 because the apparatus 10 would not blow air onto the windshield from such a position.

The apparatus 10 further includes a first cylindrical tube 16 and a second tube 18 mounted within the first tube 18. As discussed during the interview and as seen in Figs. 1 and 2 of Galaniuk, each of the tubes 16, 18 includes apertures 34, 36, 38, 40 **co-planar** with the outer surface of the tubes 16, 18. Thus, the apertures 34, 36, 38, 40 are not “mounted on an external side surface” of the tubes 16-18 and **do not protrude outwardly** from the tubes 16, 18, as recited in amended Claim 10.

Accordingly, it is respectfully requested that the rejection of Claim 10, and Claim 11 which depends thereon, as anticipated by Galaniuk be withdrawn.

Price describes a cooling apparatus for motor vehicles in which a nozzle 23 extends across the front of the vehicle in front of the instrument board 5.² Thus, the nozzle 23 is not arranged “horizontally above a set of pedals of the vehicle,” and “arranged immediately behind a knee protection panel of the passenger compartment,” as recited in amended Claim 10. The nozzle 23 includes a handle allowing the nozzle 23 to rotate to discharge air in any direction. Air is discharged through a series of apertures 24 spaced along the length of the

¹ See Galaniuk, at col. 3, lines 1-7.

² See Price, at lines 97-100.

nozzle 23. As discussed in the interview and as seen in Fig. 2 of Price, the apertures 24 are located within the surface of the nozzle 23, and thus are not “mounted on an external side surface” of the nozzle 23 and **do not protrude outwardly** from the nozzle 23, as recited in amended Claim 10. Further, it is respectfully submitted that Brown does not cure the deficiencies of Price. Brown simply describes an air temperature control module for a motor vehicle, in which a housing of the module defines a mixing chamber for air entering from inlet ports and discharging from outlet ports 32, 37, 38. The outlet ports connect to “a number of air distribution means,” and thus do not discharge air themselves.³

Accordingly, it is respectfully submitted that the combination of and Price and Brown does not disclose or suggest each feature recited in amended Claim 10. Thus, it is respectfully requested that the rejection of Claim 10, and all claims dependent thereon, as unpatentable over Price in view of Brown, be withdrawn.

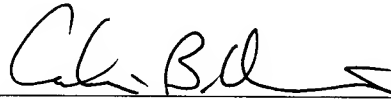
Claims 13 and 14 depend on Claim 10, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 10. Further, it is respectfully submitted that the remaining cited references (Seacord and Sallou) do not cure the above-noted deficiencies with respect to Price in view of Brown. Accordingly, it is respectfully requested that Claims 13 and 14 be allowed.

³ See Brown, at col. 3, lines 1-7.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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